IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17196 of 2004

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Between:

1 G. Madhusudhan Rao, S/o. Seshagiri Rao,
Cycle Stand Contractor, Government General

Hospital, Kakinada, East Godavari District.
2 K. Uma Maheswara Rao, S/o. Sri Ramulu,
Cycle Stand Contractor, Government General

Hospital, Kakinada, East Godavari District.
3 K. Murali, S/o. K. Raju, Cycle Stand Contractor,

Government General Hospital, Kakinada, East

Godavari District.
4 G. Rama Rao, S/o. G. Seshagiri Rao, Cycle Stand

Contractor, Government General Hospital, Kakinada,

East Godavari District.
5 Y. Ravi, S/o. Y. Raju, Cycle Stand Contractor,

Government General Hospital, Kakinada, East

Godavari District.
6 M. Srinivasa Rao, S/o. M. Surya Rao, Cycle Stand

Contractor, Government General Hospital, Kakinada,

East Godavari District.

..... PETITIONERS

AND

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1 Government of Andhra Pradesh, Rep. by its Secretary,

Health, Medical and Family Welfare Department,

Secretariat, Hyderabad.
2 District Collector, East Godavari District, Kakinada.
3 The Superintendent, Government General Hospital,
Kakinada, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring the action of the Respondents in not permitting the Petitioners to collect parking fee from the cars and autos parked in the premises of the 3rd Respondent as is permitted in the other offices under the control of the 2nd Respondent in Kakinada itself and also issuance of 'Free Parking Permit Slips' resulting in income loss to the petitioners as illegal, arbitrary and violative of principles of natural justice etc., and consequently direct the Respondents to fix a reasonable amount of parking fee towards parking of cars and autos as also not to issue 'free parking slips' not envisaged in the lease agreement, and consequently permit the Petitioners to collect the same from all the users of the cycle stand in the campus of the 3rd Respondent on already agreed terms.

Counsel for the Petitioner: MR.N.V.ANANTHA KRISHNA

Counsel for Respondents: GP FOR MEDICAL HEALTH & FAMILY WELFARE

The Court at the admission stage made the following :

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Medical and Health & Family Welfare for respondents. Both have no objection for disposal of the writ petition at the admission stage.

Pursuant to the directions passed by this court in W.P.No.6137 of 2003, the petitioners, who are the previous lease holders (unemployed and weaker sections), were permitted to run the cycle stand in the third respondent hospital premises during the period from 1-10-2003 to 30-9-2005 on the monthly rent fixed at Rs.31,500/- as mentioned in the proceedings in Rc.No.520/H2/2003 dated 13-10-2003 on certain terms and conditions; that the contractors should not allow the vehicles of the public inside except the staff members of Government General

Hospital/Rangaraya Medical College/Engineering Department staff members or any other hospital attached department employees. Petitioners submitted a representation dated 28-7-2004 to the third respondent seeking permission to collect parking fee for cars and autos also. But the same has not been disposed of so far. Questioning the same, petitioners filed the present writ petition.

Since in the order passed by the third respondent itself it is specifically mentioned that the contractor shall not allow the vehicles of public inside, allowing the cars and autos to be parked in the hospital premises by collecting parking fee is not in tune with the allotment order. In the absence of any vested right of the petitioners is being violated, no mandamus as such can be issued in this writ petition. It is for the authorities to consider the representation of the petitioner in the light of the allotment order dated 13-10-2003.

Accordingly the Writ Petition is dismissed at the admission stage.

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A. Gopal Reddy, J.

24th September, 2004.

Js.

ASSISTANT REGISTRAR

To

1 The Secretary, Government of Andhra Pradesh,

Health, Medical and Family Welfare Department,

Secretariat, Hyderabad.

2 District Collector, East Godavari District, Kakinada.

3 The Superintendent, Government General Hospital,
Kakinada, East Godavari District.

4 2 CCs to G.P. for Medical Health and Family Welfare, High Court

Buildings, Hyderabad.

5 2 CD copies.